



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 5, 2014

BY ECF and Hand Delivery

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Dinesh D'Souza, 14 Cr. 034 (RMB)

Dear Judge Berman:

The Government respectfully writes with respect to the defendant's request at yesterday's pretrial conference to modify his bail conditions to permit him to travel outside of the United States, specifically to Cabo, Mexico and to Australia for the purposes of speaking at conferences on March 24, 2014 and April 11-13, 2014, respectively. The Government opposed such request on the basis of, among other things, (i) the nonessential nature of the travel as the Government previously consented to bail conditions that permit the defendant to travel throughout the United States for purposes of his work and related speaking engagements; (ii) Pretrial Services's initial determination that the defendant posed a flight risk based on his Indian citizenship and close ties to India where his mother-in-law and siblings reside and to where he had traveled frequently; and (iii) the upcoming trial date and possibility that the defendant is facing more than one year in prison if he is found guilty at trial. After yesterday's conference by Order dated March 4, 2014, Your Honor granted the defendant's request to travel to and from Mexico for the March 24, 2014 speaking engagement and deferred ruling on the defendant's request to travel to Australia pending a report from the defense as to whether the defendant could postpone his trip to Australia until after the trial.

The Government has been informed by defense counsel that the defendant cannot postpone his speaking engagement in Australia as he is scheduled to speak at a symposium on a date certain. Importantly, the Government has spoken to the Pretrial Services Officer in charge of the defendant's supervision who has informed the Government that Pretrial Services, despite its initial determination that it did not object to the defendant's bail modification request, now has had an opportunity to review its initial flight risk determination and given the upcoming trial date and the nonessential purpose of the travel, objects to the defendant's request to modify his bail to permit travel to Mexico and to Australia.

Accordingly and especially in light of Pretrial Services's reconsideration and objection to the defendant's request, the Government respectfully requests that the Court reconsider its ruling with respect to permitting the defendant to travel to Mexico and deny the defendant's request to travel to Australia. In the alternative, the Government respectfully requests that the Court require the defendant to sign appropriate waivers of extradition prior to travelling to Mexico and to Australia.

Respectfully submitted,

PREET BHARARA
United States Attorney
Southern District of New York

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